

TRAYLOR, MICHAEL – November 27, 2007

DEFENDANTS' OBJECTIONS

Page	Line(s)	Objection	Authority
11	17	Relevancy/probative value (use of word "waste" in this context)	FRE 402, 403
12	6-7	Relevancy/probative value (use of word "waste" in this context)	FRE 402, 403
12	13	Relevancy/probative value (use of word "waste" in this context)	FRE 402, 403
13	3-7	Foundation/ultimate issue (lay witness)	FRE 104, 403 (704)
19	19	Relevancy/probative value (use of word "waste" in this context)	FRE 402, 403
20	6, 10	Relevancy/probative value (use of word "waste" in this context)	FRE 402, 403
22	23	Relevancy/probative value (use of word "waste" in this context)	FRE 402, 403
27	1, 20	Relevancy/probative value (use of word "waste" in this context)	FRE 402, 403
32	25	Form/probative value (use of word "nutrient limited watersheds")	FRE 403
33	1-4	Form/probative value (use of word "nutrient limited watersheds")	FRE 403
34	6-20	Foundation /probative value (amounts unknown)	FRE 104, 403
34	7	Relevancy/probative value (use of word "waste" in this context)	FRE 402, 403
34	10-20	Hearsay	FRE 802
35	13-21	Foundation/probative value (amounts unknown), hearsay	FRE 104, 402, 403, 802
36	4-9	Relevancy/probative value (amounts unknown)	FRE 402, 403
40	6-12	Form/ probative value (use of word "waste" in this context)	FRE 403
40 and 41	13-25 and 1	Relevancy/probative value (amounts unknown)/best evidence	FRE 402, 403, 1002
41	15	Probative value (use of word "waste" in this context)	FRE 403
48 and 49	18-25 and 1-2	Foundation/relevancy/best evidence	FRE 104/402/1002
52	1-4	Relevancy/probative value; Prejudice (misleading, confusing, taken out of context and	FRE 402, 403

		mischaracterizes testimony – see p 52, lines 5-18)	
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WATKINS, HARDY –JANUARY 22, 2008

PLAINTIFFS' OBJECTIONS

Page	Line(s)	Objection	Authority
8	1-2	Opinion of lay witness	FRE 701
73	5-13	Relevance	FRE 401-403
86	25	Relevance; attorney-client privilege and work product doctrine; lack of personal knowledge; opinion of a lay witness	FRE 401-403; 502; 602; 701
87	1-6, 8-10, 12-14	Relevance; attorney-client privilege and work product doctrine; lack of personal knowledge; opinion of a lay witness	FRE 401-403, 502; 602; 701
92	4-6	Relevance	FRE 401-403

DEFENDANTS' OBJECTIONS

Page	Line(s)	Objection	Authority
55	15-20, 23, 25	Hearsay; Foundation (relating out of court conversation with a third person for the truth of the matter asserted in the conversation; provides opinion on quality of sewage system without expertise and based only on hearsay); Relevancy/probative value	FRE 104, 402, 403, 702, 802
56	1-2	Hearsay; Foundation (relating out of court conversation with a third person for the truth of the matter asserted in the conversation; provides opinion on quality of sewage system without expertise and based only on hearsay);	FRE 104, 402, 403, 702, 802

		Relevancy/probative value	
99	2-7	Foundation (offers opinion on economy and economic model for IRW without expertise) Relevancy/probative value	FRE 104, 402, 403, 702

WEAR, RAY July 26, 2007

Defendants' Objections

Start	Stop	Objection	Authority
Pg. 23, ll. 1.	Pg. 23, ll. 5.	Lack of foundation; assumes facts not in evidence; witness not designated as corporate representative to speak for party on this topic.	FRCP 30(b)(6)
Pg. 32, ll. 11.	Pg. 32, ll. 14.	Lack of foundation; lack of personal knowledge; assumes facts not in evidence; calls for speculation; witness not designated as corporate representative to speak for party on this topic.	FRE 602 FRCP 30(b)(6)
Pg. 34, ll. 9.	Pg. 36, ll. 4.	Lack of foundation; hearsay; witness not designated as corporate representative to speak for party on this topic; referenced exhibit not authenticated; argumentative.	FRE 802 FRE 901 FRCP 30(b)(6)
Pg. 39, ll. 7.	Pg. 39, ll. 11.	Lack of foundation; lack of personal knowledge; assumes facts not in evidence; calls for speculation; question is vague and ambiguous.	FRE 602
Pg. 55, ll. 3.	Pg. 55, ll. 10.	Argumentative.	

WILLARDSON, STEVE –May 22, 2008**Defendants' Objections**

Start	Stop	Objection	Authority
Global objection to use of term "waste" with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Global objection to use of term "phosphorus" with respect to poultry litter		Relevance, confusion, misleading, unfair prejudice	FRE 401, 402, 403
Pg. 37, ll. 4.	Pg. 37, ll. 9.	Relevance/confusion: amount of poultry in Shenandoah Valley	FRE 401, 402, 403
Pg. 72, ll. 7.	Pg. 72, ll. 13.	Seeks legal conclusion	FRE 401, 402, 403
Pg. 94, ll. 12.	Pg. 94, ll. 18.	Seeks legal conclusion	FRE 401, 402, 403
Pg. 114, ll. 16.	Pg. 114, ll. 18.	Lack of foundation; cannot identify document	FRE 401, 402, 403, 602
Pg. 119, ll. 5.	Pg. 119, ll. 18.	Lack of foundation	FRE 401, 402, 403, 602
Pg. 120, ll. 23	Pg. 121, ll. 21	Lack of foundation; asking for expert opinion	FRE 602, 701
Pg. 129, ll. 4	Pg. 129, ll. 15	Lack of foundation; assumes facts not in evidence	FRE 401, 402, 403, 602
Pg. 140, ll. 3	Pg. 142, ll. 12	Mischaracterizes testimony	FRE 401, 402, 403
Pg. 143, ll. 25	Pg. 144, ll. 1	Argumentative; improper designation – no answer sought or given	FRE 401, 402, 403
Pg. 174, ll. 10	Pg. 174, ll. 16	Attorney-client privilege and improper designation	FRE 501; Okla. Stat. tit. 12, § 2502
Pg. 219, ll. 2	Pg. 219, ll. 3	Lack of foundation and improper designation without answer	FRE 401, 402, 403, 602
Pg. 220, ll. 21	Pg. 221, ll. 5	Lack of foundation	FRE 401, 402, 403, 602

Steve Willardsen 5/22/2008 (Defendants' cont'd)

Pg. 222, ll. 4	Pg. 222, ll. 11	Speculation; not within his knowledge	FRE 401, 402, 403
Pg. 224, ll. 1	Pg. 225, ll. 8	Hearsay; lack of foundation; unfairly prejudicial; not within his knowledge	FRE 401, 402, 403, 602, 801, 802
Pg. 225, ll. 15	Pg. 225, ll.	Hearsay; lack of	FRE 401, 402, 403,

	25	foundation; unfairly prejudicial; not within his knowledge	602, 801, 802
Pg. 230, ll. 12	Pg. 230, ll. 17	Hearsay	FRE 801, 802
Pg. 231, ll. 2	Pg. 231, ll. 10	Lack of foundation; speculation; hearsay	FRE 401, 402, 403, 602, 801, 802
Pg. 235, ll. 15	Pg. 236, ll. 21	Lack of foundation; speculation	FRE 401, 402, 403, 602

Plaintiff's Objections

Testimony Range	Objection	Authority
41:12 & 16	Rule 401, 402 Relevance	For all authority, see Rules cited in Objection column
124:22-25	Move to strike lines 22-25 ending at "...teach them," as not responsive, self serving statement	
125:18-20	Move to strike lines 18-20 ending at "...assist." as not responsive, self serving statement	
204:3 & 12	lines 3 and 12; move to strike as not responsive, self serving statement	
207:12	Move to strike as not responsive, self serving statement – no question pending for witness	

WILLIAMS, STEVE – MARCH 11, 2009

Defendants' Objections

Testimony Range	Objection	Authority
None		

Plaintiffs' Objections

Testimony Range	Objection	Authority
Pg. 13, ll. 10 - 12	Relevance	Rule 401
Pg. 13, ll. 13 - 16	Relevance	Rule 401
Pg. 13, ll. 17 - 20	Relevance	Rule 401
Pg. 13, ll. 21 - 23	Relevance	Rule 401
Pg. 13, ll. 24 - 25	Relevance	Rule 401
Pg. 14, ll. 1 - 5	Relevance	Rule 401
Pg. 14, ll. 6 - 9	Relevance	Rule 401
Pg. 14, ll. 10 - 14	Relevance	Rule 401
Pg. 16, ll. 15 - 18	Relevance; Foundation and opinion of lay witness without technical or specialized knowledge	Rule 401 Rule 701
Pg. 16, ll. 19 - 20	Relevance; Foundation and opinion of lay witness without technical or specialized knowledge	Rule 401 Rule 701
Pg. 16, ll. 21 - Pg. 17, ll. 2	Relevance; Foundation and opinion of lay witness without technical or specialized knowledge	Rule 401 Rule 701
Pg. 17, ll. 3 - 8	Relevance; Foundation and opinion of lay witness without technical or specialized knowledge	Rule 401 & 403 Rule 701
Pg. 17, ll. 14 - 17	Foundation and opinion of lay witness without technical or specialized knowledge	Rule 701
Pg. 17, ll. 18 - 22	Relevance; Foundation and opinion of lay witness without technical or specialized	Rule 401 & 403 Rule 701

	knowledge	
Pg. 17, ll. 23 - Pg. 18, ll. 1	Relevance; Foundation and opinion of lay witness without technical or specialized knowledge	Rule 401 & 403 Rule 701
Pg. 18, ll. 2 - Pg. 19, ll. 3	Lines 2, 5, 9, 13, 19, 23; Relevance, Foundation and opinion of lay witness without technical or specialized knowledge	Rule 401 & 403 Rule 701
Pg. 21, ll. 19 - 25	Lack of knowledge foundation for "any time"	Rule 602
Pg. 22, ll. 1 - 4	Foundation, lack of personal knowledge; lack of specialized knowledge re: "septic tanks typically have"	Rule 602 Rule 701
Pg. 32, ll. 21 - Pg. 33, ll. 1	Hearsay	Rule 802
Pg. 67, ll. 12 - 16	Hearsay	Rule 802
Pg. 129, ll. 22 - 25	Relevance	Rule 401 & 403
Pg. 132, ll. 2 - 5	Relevance; confusion of issues and misleading the jury; Lack of foundation and knowledge	Rule 403 Rule 602

YOUNG, RANDY-- October 2, 2008

Defendants' Objections

Testimony Range	Objection	Authority
Pg. 138:21-139:6	Objection. Misleading.	
Pg. 147:9-15	Objection. Lack of foundation. Improper opinion testimony.	
Pg. 165:18-22	Objection. Lack of foundation. Calls for improper opinion testimony.	
Pg. 196:16-25	Objection. Lack of foundation. Calls for improper opinion testimony.	
Pg. 201:12-25	Objection. Lack of foundation. Irrelevant under Rule 401 or in alternative outweighed by prejudice and confusion of issues under 403.	
Pg. 202:24-203:5	Objection. Lack of foundation. Irrelevant under Rule 401 or in alternative outweighed by prejudice and confusion of issues under 403.	
Pg. 205:6-16	Objection. Lack of foundation. Improper opinion testimony.	
Pg. 206:4-207:5	Objection. Lack of foundation. Improper opinion testimony.	
Pg. 208:10-209:6	Objection. Lack of foundation.	

Plaintiff's Objections

Testimony Range	Objection	Authority
224:23-225:3	Leading; Relevance	FRE 402; 611(c)
225:16-20	leading, ambiguous or unintelligible, compound (Is witness being asked if he agrees "with the use of poultry litter as fertilizer" or that it has become "more tightly regulated"?)	FRE 611(c)
225:25-226:3	leading, lacks foundation	FRE 602; 611(c)
227:12-13	Ambiguous, vague, unintelligible	
233:9-13	Relevance, no foundation	FRE 402; 602
241:13	Relevance, confusing and misleading, mischaracterizes prior testimony, Hearsay	FRE 403; 801; 802
241:17	Relevance, confuses issues, misleading, prejudicial and mischaracterizes facts and evidence; Lack of Knowledge; Opinion of lay witness without specialized knowledge	FRE 401; 403; 602; 701
241:17-19	Hearsay, witness lacks personal knowledge,	FRE 403; 602; 802

	misleading and unfairly prejudicial, and assumes facts not in evidence	
250:13-15	Outside the scope of direct examination; Relevance; no foundation, misleading, assumes facts not in evidence	FRE 402; 602; 611(b)
251:24-252:2	Outside the scope of direct examination; Relevance; no foundation, misleading, assumes facts not in evidence	FRE 402; 602; 611(b)
252:6-8	Outside the scope of direct examination; Relevance; no foundation, misleading, assumes facts not in evidence	FRE 402; 602; 611(b)
252:13-15	Outside the scope of direct examination; Relevance; no foundation, misleading, assumes facts not in evidence	FRE 402; 602; 611(b)
252:20-22	Outside the scope of direct examination; Relevance; no foundation, misleading, assumes facts not in evidence	FRE 402; 602; 611(b)
253:3-5	Outside the scope of direct examination; Relevance; no foundation, misleading, assumes facts not in evidence	FRE 402; 602; 611(b)
253:10-14	Outside the scope of direct examination; Relevance; no foundation, misleading, assumes facts not in evidence	FRE 402; 602; 611(b)
253:24-25	Relevance, vague and misleading	FRE 402
254:5-6	Leading; Relevance; no foundation, misleading	FRE 402; 602; 611(c)

ZHANG, HAILAN -- JANUARY 16, 2008

DEFENDANTS' OBJECTIONS

Page	Line(s)	Objection	Authority
101	2-6	Relevancy/probative value (cumulative; waste of time)	FRE 402, 403
108	15-25	Relevancy/probative value; Foundation (response references previous testimony in the transcript that was not designated, making it nonsensical)	FRE 104, 402, 403
189	15-25	Foundation; Relevancy/probative value (lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for "agronomic benefit" of phosphorus without acknowledgment of other nutrients and their benefits)	FRE 104, 402, 403
190	1-8	Foundation; Relevancy/probative value (speculative; no foundation for knowledge of rainfall rates or patterns in IRW, runoff, or generalized opinions offered regarding "most of the fields")	FRE 104, 402, 403
190	17-19	Relevancy/probative value; Foundation (information not responsive to a question posed)	FRE 104, 402, 403
191	19-25	Foundation;	FRE 104, 402,

		Relevancy/probative value (speculative; no foundation for knowledge of specific soils and soil types in IRW and reaction to phosphorus, runoff measurements, or basis of comparisons of soils and runoff – in fact admits lack of knowledge at p 192, line 19)	403
192	1-19	Foundation; Relevancy/probative value (speculative; no foundation for knowledge of specific soils and soil types in IRW and reaction to phosphorus, runoff measurements, or basis of comparisons of soils and runoff – in fact admits lack of knowledge at p 192, line 19)	FRE 104, 402, 403
194	16-25	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc)	FRE 104, 402, 403, 802, 1002

195	1-2	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc)	FRE 104, 402, 403
195	5-13	Foundation; Relevancy/probative value (speculative; no foundation for knowledge of specific soils and soil types in IRW and reaction to phosphorus, runoff measurements, or basis of comparisons of soils and runoff)	FRE 104, 402, 403
195	22-25	Foundation; Relevancy/probative value (lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	FRE 104, 402, 403

196	1-3	Foundation; Relevancy/probative value (lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	FRE 104, 402, 403, 802, 1002
196	4-8	Hearsay/Best Evidence; Foundation (references to unauthenticated copies of studies to prove truth of generalized matters asserted therein); Relevancy/probative value; Foundation (use of word "waste")	FRE 104, 402, 403, 802, 1002
196	13-25	Hearsay/Best Evidence; Foundation (references to unauthenticated copies of studies to prove truth of generalized matters asserted therein); Relevancy/probative value; Foundation (use of word "waste")	FRE 104, 402, 403, 802, 1002
197	1-17	Hearsay/Best Evidence; Foundation (references to unauthenticated copies of studies to prove truth of generalized matters	FRE 104, 402, 403, 802, 1002

		asserted therein); Relevancy/probative value; Foundation (use of word "waste")	
197	18-25	Foundation; Relevancy/probative value (references to winter wheat without foundation that it is a crop in the IRW; misleading and confusing)	FRE 104, 402, 403
198	1-8	Foundation; Relevancy/probative value (references to winter wheat without foundation that it is a crop in the IRW, thus making it irrelevant; misleading and confusing)	FRE 104, 402, 403
198	14-25	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without	FRE 104, 402, 403, 802, 1002

		acknowledgment of other nutrients and their benefits)	
199	1-25	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	FRE 104, 402, 403, 802, 1002
200	1-2	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or	FRE 104, 402, 403, 802, 1002

		limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	
200	3-16	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation/ultimate issue (use of term "waste"; misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	FRE 104, 402, 403, 802, 1002
200	17-25	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper	FRE 104, 402, 403, 802, 1002

		foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	
201	1-19	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation/ultimate issue (use of term "waste"; misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	FRE 104, 402, 403, 802, 1002
202	5-15	Relevancy/probative value; Prejudicial; Foundation (misleading and confusing; lack of proper foundation for STP methodology being used or referenced; no foundation for	FRE 104, 402, 403

		statements regarding application of litter "year after year to the same plot of ground" or the supposed effects of same)	
204	9-15	Relevancy/probative value; Foundation (Seeks expert opinion on food sources and ingredients for feeding poultry and on "nutrient recycling", as well as land use patterns in IRW without properly qualifying the witness as an expert; lack of competency)	FRE 104, 402, 403, 702
204	16-25	Relevancy/probative value; Foundation (Compound; seeks multiple expert opinions on environmental damage assessment, water quality assessment and eutrophication of surface water bodies from a soil scientist without properly qualifying the witness as an expert in those other areas; lack of competency)	FRE 104, 402, 403, 702
205	1-5	Relevancy/probative value; Foundation (Compound; seeks multiple expert opinions on environmental damage assessment, water quality	FRE 104, 402, 403, 702, 802, 1002

		assessment and eutrophication of surface water bodies from a soil scientist without properly qualifying the witness as an expert in those other areas; lack of competency); Hearsay/Best Evidence (use of unauthenticated materials to prove the truth of the generalized statements therein)	
205	10-23	Hearsay/Best Evidence (use of unauthenticated materials to prove the truth of the generalized statements therein); Relevancy/probative value; Foundation (misleading attempt to prove that NMP's and BMP's are nitrogen based; characterization of IRW as an area of "intensive poultry production" without foundation, basis for comparison, etc)	FRE 104, 402, 403, 802, 1002
206	3-14	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of	FRE 104, 402, 403, 802, 1002

		plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	
206	15-24	Hearsay/Best Evidence (use of unauthenticated materials to prove the truth of the generalized statements therein); Relevancy/probative value; Foundation (misleading; use of words "buildup", "feedlot"; (misleading attempt to prove that NMP's and BMP's are nitrogen based)	FRE 104, 402, 403, 802, 1002
207	1	Hearsay/Best Evidence (use of unauthenticated materials to prove the truth of the generalized statements therein); Relevancy/probative value; Foundation (misleading; use of words "buildup", "feedlot"; (misleading attempt to prove that NMP's and BMP's are nitrogen based)	FRE 104, 402, 403, 802, 1002
207	2-5	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (misleading generalizations about concerns with agricultural	FRE 104, 402, 403, 802, 1002

		lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	
207	6-25	Foundation; Relevancy/probative value (lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefit of phosphorus without acknowledgment of other nutrients and their benefits; seeks expert opinions on environmental damage assessment and water quality assessment from litter application from a soil scientist without properly qualifying the witness as an expert in those other areas; lack of competency)	FRE 104, 402, 403, 702
208	1-22	Foundation; Relevancy/probative value (lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or	FRE 104, 402, 403, 702

		limitations and definitions for agronomic benefit of phosphorus without acknowledgment of other nutrients and their benefits; seeks expert opinions on environmental damage assessment and water quality assessment from litter application from a soil scientist without properly qualifying the witness as an expert in those other areas; lack of competency)	
209	2-7	Relevancy/probative value; Foundation (lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefit of phosphorus without acknowledgment of other nutrients and their benefits; seeks multiple expert opinions on environmental damage assessment, water quality assessment and eutrophication of surface water bodies from a soil scientist without properly qualifying the witness as an expert in those other areas; lack of competency)	FRE 104, 402, 403, 702
209	8-18	Relevancy/probative value; Foundation (lack of proper foundation for	FRE 104, 402, 403, 702

		STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefit of phosphorus without acknowledgment of other nutrients and their benefits; seeks multiple expert opinions on fisheries, recreation, drinking water, oxygen levels, aquatic weeds and allergies without properly qualifying the witness as an expert in those other areas; lack of competency)	
209	19-25	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	FRE 104, 402, 403, 802, 1002
210	1-5	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (misleading	FRE 104, 402, 403, 802, 1002

		generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	
211	12-23	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	FRE 104, 402, 403, 802, 1002
211	24-25	Relevancy/probative value; Prejudicial;	FRE 104, 402, 403

		Foundation (cumulative; misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	
212	3-5	Relevancy/probative value; Prejudicial; Foundation (cumulative; misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	FRE 104, 402, 403
212	18-25	Relevancy/probative value; Prejudicial; Foundation (cumulative;	FRE 104, 402, 403

		misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits; lack of foundation for questions about development of the guidelines and the basis or rationale for them – he testified he does not know at p. 214, lines 5-6, and 9-11)	
213	1-25	Relevancy/probative value; Prejudicial; Foundation (cumulative; misleading generalizations about concerns with agricultural lands and STP levels; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits; lack of foundation for questions about development of the guidelines and the basis or rationale for them – he testified he does not know at p. 214, lines 5-6, and 9-11)	FRE 104, 402, 403
214	1-11	Relevancy/probative	FRE 104, 402,

		value; Prejudicial; Foundation (cumulative; misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits; lack of foundation for questions about development of the guidelines and the basis or rationale for them – he testified he does not know at p. 214, lines 5-6, and 9-11)	403
214	12-25	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (cumulative; misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of	FRE 104, 402, 403, 802, 1002

		other nutrients and their benefits)	
215	1-11	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (cumulative; misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	FRE 104, 402, 403, 802, 1002
215	12-24	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation/ultimate issue (cumulative; use of word "pollution"; misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and	FRE 104, 402, 403, 802, 1002

		definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	
218	6-24	Relevancy/probative value; Foundation; Hearsay/Best Evidence (leading --counsel testifying and providing argument/opinion from a document to prove the truth of the matter is he asserts is set forth in the document)	FRE 104, 402, 403, 802, 1002
219	17-18, 22 (after word "condition") - 23	Relevancy/probative value; Foundation/ultimate issue (calls for expert or legal conclusion on definition of "amendment" without properly qualifying the witness)	FRE 104, 402, 403, 702
219	24-25	Relevancy/probative value; Foundation/ultimate issue (calls for expert or legal conclusion on definition of "fertilizer" without properly qualifying the witness; speculative -- witness says he does not know at p 220, lines 6-7)	FRE 104, 402, 403, 702
220	1-7	Relevancy/probative value; Foundation/ultimate issue (calls for expert or legal conclusion on definition of "fertilizer" without properly	FRE 104, 402, 403, 702

		qualifying the witness; speculative – witness says he does not know at p 220, lines 6-7)	
229	6-16	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (misleading generalizations about concerns with agricultural lands and STP levels when witness is proponent of field by field assessment of risk potential, beneficial uses, etc.; lack of proper foundation for STP methodology, types of plants referenced for uptake rates, or limitations and definitions for agronomic benefits of phosphorus, without acknowledgment of other nutrients and their benefits)	FRE 104, 402, 403, 802, 1002